IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1251 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

ATULBHAI B DUTTA

Versus

JIVANBHAI RANABHAI MAKWANA

Appearance:

1. Civil Revision Application No. 1251 of 2001

MR RM CHHAYA for Petitioners No. 1-2

MR NIRAJ V ASHAR for Respondent No. 1

..... for Respondents No. 2-3

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 19/10/2001

ORAL JUDGEMENT

1. Rule. Mr.Niraj V. Ashar, learned Counsel for the respondent No.1 waives service of rule.

2. Heard learned Counsel for the parties. In the facts and circumstances of the case, the learned Trial Judge ought to have granted the prayer for survey and preparation of the map by the City Survey Officer. The impugned order is, therefore, set aside and the prayer made in Application Ex.23 in Regular Civil Suit No.131/2001 in the Court of learned 3rd Joint Civil Judge (S.D.), Amreli is granted. The petitioners shall maintain status-quo with regard to the construction of septic tank till the application for temporary injunction is decided. The cost of survey shall be borne by the petitioner. The amount of cost shall be fixed by the trial Court.

3. Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

19-10-2001 (M.C.Patel, J.)

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